

**SENATE, No. 3357**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED JANUARY 24, 2019

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Co-Sponsored by:**

**Senators Ruiz, Stack and Sacco**

**SYNOPSIS**

The “Liberty State Park Protection Act”; establishes Liberty State Park Advisory Committee and requirements concerning DEP actions related to Liberty State Park.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/8/2019)**

1 AN ACT concerning Liberty State Park, supplementing Title 13 of  
2 the Revised Statutes, and amending P.L.1983, c.324 and  
3 P.L.2015, c.19.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. (New section) Sections 1 through 7 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill) shall be known and may  
10 be cited as the “Liberty State Park Protection Act.”

11  
12 2. (New section) The Legislature finds and declares that:

13 a. Liberty State Park, located in Jersey City, is a priceless New  
14 Jersey and American treasure and an urban oasis in the middle of  
15 densely populated metropolitan northern New Jersey;

16 b. With internationally-recognized landmarks including the  
17 Statue of Liberty, and Ellis Island, and the Manhattan skyline as a  
18 spectacular backdrop, Liberty State Park is one of the nation’s most  
19 sacred and inspiring parks;

20 c. Encompassing over 1,200 acres, approximately 600 acres of  
21 land and 600 acres of water, of which all but the interior’s 235 acre  
22 natural restoration area are open to the public, the park contains  
23 significant natural, historic, recreational, scenic, and cultural  
24 resources;

25 d. The park, a major historic resource with its transportation  
26 and immigration history, including the Central Railroad of New  
27 Jersey Terminal or “CRRNJ Terminal,” is the third landmark of  
28 America's Gateway “Historic Trilogy” along with Lady Liberty and  
29 Ellis Island, and also is home to the Black Tom Island 1916  
30 explosion historic site;

31 e. The park is also a major natural resource as a sanctuary for  
32 over 300 bird species including migratory species that use the park  
33 as a stopover while on the Atlantic Flyway, and countless other  
34 wildlife species;

35 f. More than five million people from around New Jersey, our  
36 nation, and the world visit the park each year to take in the dramatic  
37 and meaningful views and enjoy the peacefulness and passive  
38 recreational opportunities of green open space, the beauty of nature  
39 and wildlife habitats, family picnic areas, and fishing in the midst of  
40 the most urbanized area on the East Coast;

41 g. Unfortunately, this unique and scarce urban green open  
42 space has been the target of repeated privatization and  
43 commercialization proposals since the park opened, and the subject  
44 of a number of development proposals in recent years, including the  
45 Department of Environmental Protection issuing requests for

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 proposals to privatize or commercialize portions of the park, which,  
2 if approved, would have seriously jeopardized this beloved public  
3 resource and severely harmed the public's ability to enjoy free and  
4 full public access to and enjoyment of the park;

5 h. From the time of its opening on June 14, 1976, Liberty State  
6 Park has had sustained overwhelming public support for a "free and  
7 green" open space park, and overwhelming opposition to  
8 privatization and commercialization proposals, as expressed in  
9 public hearings, countless public comments, petitions, and in a  
10 series of coalitions of local, regional, and Statewide groups to  
11 protect Liberty State Park as a "People's Park" behind Lady  
12 Liberty; and

13 i. It is fitting, proper, and necessary to recognize and respect  
14 this history of overwhelming public opposition and to take action to  
15 protect Liberty State Park from any inappropriate development  
16 proposals in the future and to preserve Liberty State Park for future  
17 generations.

18  
19 3. (New section) As used in sections 1 through 7 of P.L. ,  
20 c. (C. ) (pending before the Legislature as this bill):

21 "Commissioner" means the Commissioner of Environmental  
22 Protection.

23 "Committee" means the "Liberty State Park Advisory  
24 Committee" established pursuant to section 6 of P.L. ,

25 c. (C. ) (pending before the Legislature as this bill).

26 "Department" means the Department of Environmental  
27 Protection.

28  
29 4. (New section) The Department of Environmental Protection  
30 shall:

31 a. not consider any proposal to commercialize, develop, or  
32 privatize Liberty State Park, except as provided in accordance with  
33 the provisions of P.L. , c. (C. ) (pending before the  
34 Legislature as this bill);

35 b. prohibit any concession, conveyance, or lease within the  
36 235-acre natural restoration area in the interior of Liberty State  
37 Park, and at Caven Point Peninsula, the estuarine ecosystem for  
38 plants and animals, critical bird breeding habitat, and urban  
39 environmental education resource;

40 c. within three years after the date of enactment of this act,  
41 develop a management plan for Liberty State Park in consultation  
42 with the committee;

43 d. present to the committee for review and recommendations:

44 (1) any proposed agreement for a concession, conveyance, or  
45 lease with a term of one year or longer;

46 (2) the extension or renewal for a term of one year or longer of  
47 any concession, conveyance, or lease in effect on the date of

1 enactment of P.L. , c. (C. ) (pending before the Legislature  
2 as this bill); and

3 (3) any proposed special event that may have a significant impact  
4 on ability of the public to access and enjoy Liberty State Park; and

5 e. develop and implement, in conjunction with the committee, a  
6 comprehensive public participation process to allow public citizens  
7 and civic organizations to provide public input on any proposed  
8 changes in land use at Liberty State Park or to the management plan  
9 developed pursuant to subsection c. of this section;

10 f. at least once each year, hold a public forum to receive input  
11 from the public concerning plans, plans, improvements,  
12 preservation, conservation, and management of Liberty State Park,  
13 in addition to any public hearings that may be required pursuant to  
14 law; and

15 g. post in a prominent location on the department's website:

16 (1) any proposed actions by the department that would impact  
17 Liberty State Park;

18 (2) the minutes of the committee pursuant to subsection k. of  
19 section 6 of P.L. , c. (C. ) (pending before the Legislature as  
20 this bill); and

21 (3) copies of any reports received by the commissioner pursuant  
22 to subsection b. of section 7 of P.L. , c. (C. ) (pending before  
23 the Legislature as this bill).

24

25 5. (New section) Notwithstanding the provisions of any other  
26 law, or rule or regulation adopted pursuant thereto to the contrary:

27 a. the Department of Environmental Protection shall only  
28 approve a concession, conveyance, lease, or other agreement with a  
29 private entity to provide small-scale commercial activities that  
30 directly enhance the ability of a visitor to enjoy the natural, historic,  
31 cultural, recreational, and scenic resources of Liberty State Park,  
32 such as a bicycle or kayak rental concession, food concession,  
33 temporary winter skating rink, commercial boat tour operating from  
34 an existing boat slip, use of the Central Railroad of New Jersey  
35 Terminal, and uses identified in the management plan developed  
36 pursuant to section 4 of this act;

37 b. whenever the department proposes to enter into a  
38 concession, lease, or other agreement for a duration of one year or  
39 longer, the department shall:

40 (1) present the proposal to the committee for review and  
41 recommendations; and

42 (2) provide an opportunity for public comment on the proposal,  
43 including holding two public hearings at Liberty State Park, with  
44 one hearing being held on a weekday evening and one on the  
45 weekend, and providing a 30-day comment period;

46 c. whenever the department intends to convey, pursuant to the  
47 provisions of P.L.1993, c.38 (C.13:1D-51 et seq.), lands acquired or  
48 developed by the State with Green Acres funds, or acquired or

1 developed by the State in any other manner and administered by the  
2 department, located within or adjacent to Liberty State Park, the  
3 department shall:

4 (1) present the proposal to the committee for review and  
5 recommendations; and

6 (2) provide an opportunity for public comment on the proposal,  
7 including holding two public hearings at Liberty State Park, with  
8 one hearing being held on a weekday evening and one on the  
9 weekend, and providing a 30-day comment period.

10

11 6. (New section) a. There is established a Liberty State Park  
12 Advisory Committee in the Department of Environmental  
13 Protection, to assist the department with conserving, preserving,  
14 protecting, and improving Liberty State Park. In carrying out its  
15 responsibilities, the committee shall give due consideration to the  
16 natural, historic, cultural, recreational, and scenic resources and the  
17 local, State, and national significance of Liberty State Park.

18 b. The committee shall consist of nine members, as follows:

19 (1) the Commissioner of Environmental Protection, or the  
20 commissioner's designee, who shall serve as an ex officio, non-  
21 voting member;

22 (2) the Superintendent of Liberty State Park, or the  
23 superintendent's designee, who shall serve as an ex officio, non-  
24 voting member;

25 (3) the president of the Friends of Liberty State Park, or the  
26 president's designee;

27 (4) the NY/NJ Baykeeper Chief Executive Officer, or the  
28 officer's designee;

29 (5) the president of the Hudson River Waterfront Conservancy,  
30 or the president's designee; and

31 (6) the president of the Jersey City Parks Coalition, or the  
32 president's designee;

33 (7) the chair of the Jersey City Environmental Commission, or  
34 the chair's designee; and

35 (8) two members appointed by the Governor with the advice and  
36 consent of the Senate as follows:

37 (a) one member from the State's academic community with  
38 expertise, knowledge, or experience in history, landscape  
39 architecture, park management, environmental protection, or  
40 ecology; and

41 (b) one member from a Statewide environmental organization  
42 with expertise, knowledge, or experience in ecology, environmental  
43 protection, land management, or natural resources protection.

44 The public members appointed by the Governor with the advice  
45 and consent of the Senate shall be appointed for three-year terms,  
46 except that of those first appointed, one shall be appointed for a  
47 term of two years, and one for a term of three years.

1 c. Any vacancy in the membership shall be filled in the same  
2 manner as the original appointment.

3 d. The committee shall organize as soon as possible after the  
4 appointment of its members and shall annually elect a chairperson  
5 and a vice-chairperson from among its members, and a secretary  
6 who need not be a member of the committee.

7 e. The committee shall meet at the call of the chairperson or the  
8 commissioner or when requested by any four members of the  
9 committee.

10 f. A majority of the voting members of the committee shall  
11 constitute a quorum for the transaction of committee business.

12 g. The department shall provide primary staff support to the  
13 committee.

14 h. The committee shall be entitled to the assistance and service  
15 of the employees of any State, county or municipal department,  
16 board, bureau, commission, authority, or agency as it may require  
17 and as may be available to it for its purposes, and to employ  
18 stenographic and clerical assistance and to incur traveling or other  
19 miscellaneous expenses as may be necessary in order to perform its  
20 duties, within the limits of funds appropriated or otherwise made  
21 available to it for its purposes.

22 i. The members of the committee shall serve without  
23 compensation, but may be reimbursed for necessary expenses  
24 incurred in the performance of their duties, within the limits of  
25 funds appropriated or otherwise made available to the committee  
26 for its purposes.

27 j. The committee shall be subject to the provisions of the  
28 "Senator Byron M. Baer Open Public Meetings Act," P.L.1975,  
29 c.231 (C.10:4-6 et seq.).

30 k. A true copy of the minutes of every meeting of the  
31 committee shall be prepared and made available to the public. The  
32 minutes shall also be made available on the department's website.

33 l. The committee shall call upon the National Park Service and  
34 request the participation of a representative from that agency to  
35 serve on the committee, as a non-voting member, to provide  
36 information and guidance on park management issues and the  
37 availability of federal funds, including means to partner with the  
38 federal government to enhance the ability of the public to  
39 experience the natural, historic, cultural, recreational, and scenic  
40 resources of Liberty State Park, including access to the Statute of  
41 Liberty and Ellis Island.

42

43 7. (New section) a. The Liberty State Park Advisory  
44 Committee shall:

45 (1) review any matter relating to the improvement, protection,  
46 and restoration of Liberty State Park;

47 (2) assist the department in developing the Liberty State Park  
48 management plan required pursuant to subsection c. of section 4 of

1 P.L. , c. (C. ) (pending before the Legislature as this bill),  
2 and advise the department on the ecological restoration of the 235-  
3 acre interior portion of Liberty State Park and means to increase  
4 public access and public enjoyment of the natural, historic, cultural,  
5 recreational, and scenic resources of the park;

6 (3) review any proposed agreement for a concession,  
7 conveyance, lease, or other agreement for a duration of one year or  
8 longer at Liberty State Park;

9 (4) request from the commissioner any information concerning  
10 Liberty State Park as it may deem necessary;

11 (5) study any policies, plans, rules, and regulations adopted by  
12 the department that may impact Liberty State Park; and

13 (6) submit to the commissioner any recommendations the  
14 committee deems necessary to improve, protect, and restore Liberty  
15 State Park.

16 b. The committee shall present a report of its activities,  
17 findings, and recommendations to the commissioner within one year  
18 after its organizational meeting, and annually thereafter. The  
19 committee shall also submit copies of its reports to the Governor  
20 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
21 Legislature.

22

23 8. Section 6 of P.L.1983, c.324 (C.13:1L-6) is amended to read  
24 as follows:

25 6. a. Notwithstanding any other law, rule , or regulation to the  
26 contrary, the department shall have the authority to grant such  
27 rights or privileges to individuals or corporations for the  
28 construction, operation , and maintenance for private profit of any  
29 facility, utility , or device upon the State parks and forests, lands ,  
30 and waters as the department shall find necessary and proper for the  
31 use and enjoyment of the lands by the public. Such rights and  
32 privileges shall include, but not be limited to, concessions,  
33 franchises, licenses, permits , and other rights and privileges  
34 deemed by the department to be appropriate in the utilization of the  
35 lands for the public benefit. The grant or award of such rights or  
36 privileges shall be made in the name of the State of New Jersey and  
37 executed by the department, at such price and upon such terms and  
38 conditions as shall be fixed by the department.

39 b. The department shall have the authority to acquire rights and  
40 privileges in lands owned by individuals or corporations where the  
41 department deems it necessary or useful, for the proper  
42 implementation of the provisions of **【this amendatory and**  
43 **supplementary act】** P.L.1983, c.324 (C.13:1L-1 et seq.) , that an  
44 interest in such lands be acquired. Such rights and privileges shall  
45 include, but not be limited to, leases, licenses, concessions,  
46 franchises , and permits. Any rights or privileges acquired  
47 hereunder and the considerations therefor shall be subject to terms  
48 and conditions fixed by the department.

1     c. Notwithstanding the provisions of subsection a. of this section  
2     to the contrary, commencing on the date of enactment of P.L. \_\_\_\_\_,  
3     c. (C. \_\_\_\_\_) (pending before the Legislature as this bill), the  
4     department shall not grant any rights or privileges to an individual  
5     or corporation for the construction, operation, and maintenance for  
6     private profit of any facility, utility, or device at Liberty State Park  
7     except as may be allowed pursuant to the provisions of P.L. \_\_\_\_\_,  
8     c. (C. \_\_\_\_\_) (pending before the Legislature as this bill).  
9     (cf: P.L.1983, c.324, s.6)

10  
11     9. Section 19 of P.L.2015, c.19 (C.5:10A-19) is amended to  
12     read as follows:

13     19. In addition to any powers established pursuant to section 5  
14     of P.L.1971, c.137 (C.5:10-5), and the powers established pursuant  
15     to section 7 of P.L.2015, c.19 (C.5:10A-7), the commission shall  
16     endeavor to safeguard the environmental resources of the district  
17     and provide quality public recreation and educational opportunities.  
18     The commission may:

19     a. Target and prioritize potential preservation sites for  
20     acquisition, deed restriction, and conservation easements, including  
21     large tracts of wetlands sites;

22     b. Preserve wetlands to protect wildlife, water quality, and  
23     flood storage value;

24     c. Review preservation sites for potential wetland enhancement  
25     and mitigation;

26     d. Improve connections among the district's trails and habitats,  
27     reducing fragmentation;

28     e. Identify missing links in the existing trail system, as well as  
29     key locations for connecting to wildlife viewing stations,  
30     environmental venues, boat launches, docks, and other active and  
31     passive recreational attractions;

32     f. Increase both active and passive recreational uses;

33     g. Eliminate or control the presence of other invasive plant and  
34     animal species;

35     h. Maintain and improve targeted habitats relative to breeding,  
36     wintering, feeding, and other wildlife activities;

37     i. Maintain the value of the Hackensack meadowlands as an  
38     urban sanctuary for birds using the Atlantic Flyway;

39     j. Seek available funding for land acquisition, protection, and  
40     management of wildlife preserves;

41     k. Maintain and restore the ecology of the waterways,  
42     including the estuary, shorelines, and nursery habitat for fish;

43     l. Continue monitoring water quality by collecting and  
44     analyzing data to determine trends, document improvements, and  
45     assess the need for additional, or more stringent, measures;

46     m. **【**The provisions of section 6 of P.L.1984, c.128 (C.13:17-  
47     6.1), or any other law, rule, or regulation regarding purchases,  
48     contracts, or agreements to the contrary notwithstanding, at the



1 request of the Commissioner of Environmental Protection, evaluate,  
2 approve, and implement any plan or plans for the further  
3 preservation, development, enhancement, or improvement of  
4 Liberty State Park and the buildings, structures, properties, and  
5 appurtenances related thereto, or incidental to, necessary for, or  
6 complementary to the park. The commission may avail itself of any  
7 plans under review by the Department of Environmental Protection  
8 from any source that may promote expanded and diverse  
9 recreational, cultural, and educational opportunities for visitors to  
10 Liberty State Park and provide greater access to park facilities. Any  
11 approved plans shall constitute a project of the commission, but  
12 shall not be adopted as part of the master plan. Any plans approved  
13 by the commission shall be subject to the provisions of P.L.1981,  
14 c.447 and subject to approval or disapproval by the Commissioner  
15 of Environmental Protection. In evaluating any plan, the  
16 Commissioner shall prepare an assessment of environmental  
17 impacts on the plan, and how those impacts, if any, may be avoided,  
18 minimized, or mitigated. At least one public hearing in connection  
19 with plans under consideration by the commission shall be held at  
20 Liberty State Park. Nothing in this subsection shall be construed to  
21 transfer ownership of any of the property of Liberty State Park to  
22 the commission or any other person;】 (Deleted by amendment,  
23 P.L. , c. ) (pending before the Legislature as this bill) and

24 n. Operate a not-for-profit organization which shall continue  
25 research opportunities of the Meadowlands Environmental Research  
26 Institute.

27 (cf: P.L.2015, c.72, s.10)

28  
29 10. This act shall take effect immediately.

## 30 31 32 STATEMENT

33  
34 This bill, to be known as the “Liberty State Park Protection Act,”  
35 would preserve Liberty State Park as a public urban green open  
36 space free of inappropriate privatization by establishing certain  
37 requirements concerning actions by the Department of  
38 Environmental Protection (DEP) related to Liberty State Park and  
39 establishing a Liberty State Park Advisory Committee (committee).

40 The bill would prohibit the DEP from considering any proposal  
41 to commercialize, develop, or privatize Liberty State Park, except  
42 as provided in the bill. The bill would prohibit any concession,  
43 conveyance, or lease within the 235-acre natural restoration area in  
44 the interior of Liberty State Park, and at Caven Point Peninsula.  
45 The bill would require the DEP, within three years after the bill is  
46 enacted into law, to develop a management plan for Liberty State  
47 Park in consultation with the committee. The DEP would be  
48 required to present to the committee for review and

1 recommendations: any proposed agreement for a concession,  
2 conveyance, or lease with a term of one year or longer; the  
3 extension or renewal for a term of one year or longer any  
4 concession, conveyance, or lease in effect on the date the bill is  
5 enacted into law; and any proposed special event that may have a  
6 significant impact on the ability of the public to access and enjoy  
7 Liberty State Park. In addition, the bill directs the DEP to develop  
8 and implement, in conjunction with the committee, a  
9 comprehensive public participation process to allow public citizens  
10 and civic organizations to provide public input on any proposed  
11 changes in land use at Liberty State Park or to the management plan  
12 developed pursuant the bill, and to also, at least once each year,  
13 hold a public forum to receive input from the public concerning  
14 plans, improvements, preservation, conservation, and management  
15 of the park, in addition to any public hearings that may be required  
16 pursuant to law.

17 Under the bill, the DEP would only approve a concession,  
18 conveyance, lease, or other agreement with a private entity to  
19 provide small-scale commercial activities that directly enhance the  
20 experience of a visitor to Liberty State Park, such as a bicycle or  
21 kayak rental concession, food concession, temporary winter skating  
22 rink, commercial boat tour operating from an existing boat slip, and  
23 use of the Central Railroad of New Jersey Terminal ("CRRNJ  
24 Terminal"), and other uses identified in the management plan  
25 developed pursuant to the bill.

26 In addition, whenever the DEP proposes to enter into a  
27 concession, lease, or other agreement for a duration of one year or  
28 longer, the DEP would be required to present the proposal to the  
29 committee for review and recommendations and provide an  
30 opportunity for public comment on the proposal, including holding  
31 two public hearings at Liberty State Park, with one hearing being  
32 held on a weekday evening and one on the weekend, and providing  
33 a 30-day public comment period. In addition, the DEP would be  
34 required to take these same actions when it intends to convey lands  
35 acquired or developed by the State with Green Acres funds, or  
36 acquired or developed by the State in any other manner and  
37 administered by the department, located within or adjacent to  
38 Liberty State Park.

39 The Liberty State Park Advisory Committee established by the  
40 bill would be charged with assisting the DEP in conserving,  
41 preserving, protecting, and improving Liberty State Park. In  
42 carrying out its responsibilities, the committee would give due  
43 consideration to the natural, historic, cultural, recreational, and  
44 scenic resources and the local, State, and national significance of  
45 Liberty State Park.

46 The committee's responsibilities would include: reviewing any  
47 matter relating to the improvement, protection, and restoration of  
48 Liberty State Park; assisting the DEP in developing the

1 management plan required by the bill, and advising the DEP on the  
2 ecological restoration of the 235-acre interior portion of the park  
3 and means to increase public access and public enjoyment of the  
4 natural, historic, cultural, recreational, and scenic resources of the  
5 park; reviewing concessions, leases, or other agreements with a  
6 duration of one year or longer; studying any policies, plans, rules,  
7 and regulations adopted by the department that may impact Liberty  
8 State Park; and submitting to the DEP Commissioner any  
9 recommendations the committee deems necessary to improve,  
10 protect, and restore the park.

11 In addition, this bill would amend the “State Park and Forestry  
12 Resources Act,” P.L.1983, c. 324 (C.13:1L-1 et seq.), which, in  
13 part, allows the DEP to enter agreements with private entities for  
14 the construction, operation, and maintenance for private profit of  
15 any facility, utility, or device in State parks and forests as the DEP  
16 finds proper for the use and enjoyment of the lands by the public.  
17 This bill would amend the law to reflect the provisions of this bill  
18 concerning agreements related to Liberty State Park.

19 Lastly, the bill would amend the “Hackensack Meadowlands  
20 Agency Consolidation Act” to delete the provision that provided the  
21 commission, i.e., the New Jersey Sports and Exposition Authority,  
22 which under current law is also referred to as the “Meadowlands  
23 Regional Commission,” with certain authority concerning Liberty  
24 State Park.

25 Liberty State Park, located in Jersey City, is a priceless New  
26 Jersey and American treasure and an urban oasis in the middle of  
27 densely populated metropolitan northern New Jersey. With  
28 internationally-recognized landmarks including the Statue of  
29 Liberty, and Ellis Island, and the Manhattan skyline as a spectacular  
30 backdrop, Liberty State Park is one of the nation’s most sacred and  
31 inspiring parks. Encompassing over 1,200 acres, approximately  
32 600 acres of land and 600 acres of water, of which all but the  
33 interior’s 235 acres are open to the public, the park contains  
34 significant natural, historic, recreational, scenic, and cultural  
35 resources. Unfortunately, this unique urban green open space has  
36 been the target of repeated privatization and commercialization  
37 proposals since the park opened, and the focus of a number of  
38 inappropriate development proposals in recent years, which, if  
39 approved, would have seriously jeopardized this beloved public  
40 resource and severely harmed the public’s ability to enjoy free and  
41 full public access to and enjoyment of the park. This bill would  
42 protect Liberty State Park from any future proposals to  
43 commercialize or privatize this State and national treasure.